IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

HOWARD JONES, Petitioner, vs. FORT PECK ASSINIBOINE & SIOUX TRIBES, Respondents.	CV 15-86-GF-BMM-JTJ FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

This case comes before the Court on Petitioner Howard Jones's application for writ of habeas corpus under the Indian Civil Rights Act (ICRA), 25 U.S.C. § 1301, et. seq. (Doc. 1.) Jones is a tribal prisoner proceeding pro se.

On January 6, 2016, the undersigned ordered Jones to show what steps he had taken to exhaust his claims within the tribal court system. (Doc. 5.) Jones was advised that failure to respond to the Court's order would result in a recommendation that his petition be dismissed with prejudice. *Id*. at 3. Jones failed to timely respond to the Order; accordingly, his petition should be dismissed with prejudice for failure to exhaust.

Based on the foregoing, the undersigned makes the following:

RECOMMENDATIONS

1. Jones's petition (Doc. 1) should be **DISMISSED** with prejudice for failure

to exhaust tribal remedies.

2. The Clerk of Court should be directed to enter, by separate document, a

   judgment of dismissal.

3. A certificate of appealability should be **DENIED**.

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**NOTICE OF RIGHT TO OBJECT
TO FINDINGS & RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

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Mr. Jones may object to this Findings and Recommendation within 14 days.[1]

28 U.S.C. § 636(b)(1). Failure to timely file written objections may bar a de novo

determination by the district judge and/or waive the right to appeal.

Mr. Jones must immediately notify the Court of any change in his mailing

address by filing a "Notice of Change of Address." Failure to do so may result in

dismissal of this action without notice to him.

DATED this 5th day of February, 2016.

/s/ John Johnston
John Johnston
United States Magistrate Judge

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[1] As this deadline allows a party to act within 14 days after the Findings and Recommendation is "served," Fed. R. Civ. P. 6(d) applies, and three days are added after the time would otherwise expire.